APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,466	09/28/2000	Arnold N. Blinn	MS1-595US	8924

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EXAMINER
FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/675,466	BLINN ET AL.
	Examiner	**Art Unit**	
	Daniel S. Felten	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28 and 30-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28 &30-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Receipt of the Amendment filed April 14, 2005 is acknowledged. Claims 1-28 and 30-34

are pending in the application.

Response to Arguments

2.   Applicant's arguments filed April 14, 2005 have been fully considered but they are not

persuasive. It is apparent that the applicant applies a more stringent standard to the reference

than to the limitations of the claims. This is a reversal of their appropriate roles, as the reference

is used as a whole as a teaching in light of the level of skill in the art. It is respectfully submitted

that references are evaluated by what they suggest to one versed in the art, rather than their

specific disclosure [see in re Bozek, 163 USPQ 545 (CCPA 1969)]. In this case, Pitroda

discloses that one or more computer readable media having stored thereon a plurality of

instructions that, when executed by one or more processors, causes the one or more processors to

perform acts (see Pitroda, Abstract), the secondary reference, Franklin discloses a system for

conducting commerce over a distributed network wherein the web documents contain

information by which consumer-selected options receiving information from a merchant server

(see Abstract). The 35 U.S.C. § 103(a) rejection set forth provided reasoning for the

combination of references and resolve the level of ordinary skill in the business art.

In response to applicant piecemeal analysis of the references, the examiner respectfully

submits that one cannot show non-obviousness by attacking references individually where, as

here, the rejections are based on combination of references. Specifically where the applicant

asserts that the selection made by the user rather than a selection of a subset of a plurality of

accounts to make available to the user and that there is no discussion or mention that a selected

subset of accounts includes only those accounts that can be used by the user t o make a purchase

at a merchant server. This feature was addressed in first office action dated October 28, 2004 and

is repeated here in this office Action.   Applicants concerns of the references have already been

addressed and are thus maintained in this office action.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill
> in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

2.   Claims 1-28 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda (Us 5,590,038) in view

of Franklin et al (US 6,125,352).

Re claim 1:

        Pitroda discloses that one or more computer readable media having stored thereon a plurality of instructions that, when

executed by one or more processors, causes the one or more processors to perform acts (see Pitroda, Abstract):

                identifying a plurality of accounts corresponding to the user (see Pitroda, col. 1, ll. 9-36; col. 2, ll. 44+; and

col. 3, ll. 34-61);

                selecting a subset of the plurality of accounts to make available to the user, the subset including only those accounts

that can be used by the user to make a purchase at the merchant server (see Pitroda, col. 3, ll. 62 to col. 4, ll. 11); and

                presenting the subset of accounts to the user (see Pitroda, col. 1, ll. 9-36; col. 2, ll. 44+; and col. 3, ll. 34-61).

        Pitroda discloses an indication of a purchase a user is attempting to make via a status indication during a sales

transaction, but fails to disclose receiving, from a merchant server. This is disclosed by Franklin (see Franklin, Abstract). It

would have been obvious for an artisan of ordinary skill in the art at the time of the invention to be motivated to use the merchant

server as disclosed in Franklin, because an artisan at the time of the invention would have recognized the advantages of the

merchant server over the POS, to provide various status and transaction over the notoriously old and well known Internet. Thus

to substitute the merchant server for the POS would have provided the latest network technology as well as an obvious expedient well within the ordinary skill in the art.

Re claim 2:

Pitroda discloses that the plurality of accounts include one or more of: credit card accounts, debit card payment accounts, gift certificate payment accounts, rebate payment accounts, reward payment accounts, and cash payment accounts (see Pitroda, col. 1, ll. 9-36).

Re claim 3:

Pitroda discloses that the accounts that can be used to make a purchase at the merchant server are those accounts of a type identified by the merchant server as well as additional accounts of a type that are mapped to an account type identified by the merchant server as being useable (see Pitroda, col. 13, ll. 47 to col. 14, ll. 32).

Re claim 4:

Pitroda discloses that the accounts that can be used to make a purchase at the merchant server are those accounts of a type identified by the merchant server as well as additional accounts of a type from which funds can be added to an account of a type identified by the merchant server (see Pitroda, figs. 18 & 19, col. 14, ll. 39-49).

Re claim 5:

Pitroda discloses that one or more computer readable media wherein the plurality of instructions further cause the one or more processors to perform acts including receiving, from the merchant server, the identification of types of accounts as part of the indication of the purchase the user is attempting to make (see claim 1).

Re claim 6:

Pitroda wherein the plurality of instructions further cause the one or more processors to perform acts including: receiving a user selection of one of the subset of accounts; and

forwarding, to the merchant server, payment information corresponding to the selected account (see claim 1).

Re claim 7:

Wherein the plurality of instructions further cause the one or more processors to perform acts including:

      receiving a user selection of two or more of the subset of accounts;

      allowing the user to combine funds from the selected accounts into a

combined account; and

      forwarding, to the merchant server, payment information corresponding to the combined account.

Re claim 8:

Pitroda discloses wherein the plurality of instructions further cause the one or more processors to perform acts including allowing

the user to combine funds from one account that is not identified by the merchant as acceptable with another account that is

identified by the merchant as acceptable.

Re claim 9:

Pitroda wherein the plurality of instructions further cause the one or more processors to perform acts including:

      receiving a user selection of one of the subset of accounts;

      mapping payment information corresponding to the account to a format that can be used to make a purchase at the

merchant server; and

      forwarding, to the merchant server, the mapped payment information (see Franklin col. 3, ll. 48+).

Re claim 10:

Pitroda discloses that one or more computer readable media wherein the plurality of accounts are identified in an electronic

wallet UET (see Pitroda, figs. 12-14 and 19-24), and wherein the plurality of instructions further cause the one or more

processors to perform acts including:

      receiving, from the merchant server, a request for information not included in the electronic wallet (see Pitroda, col. 13,

ll. 39 to col. 14, ll. 32);

querying the user for the information; receiving a response to the query;

      returning the response to the merchant server as the requested information (see claim 1, and col. 13, ll. 39 to col. 14, ll.

32, also col. 15, ll. 40+).

Re claim 11:

Pitroda discloses presenting a plurality of accounts of different types to a user (see Pitroda, figs. 12, 13, Abstract), but fails to disclose allowing the user to transfer value from one of the plurality of accounts to another of the plurality of accounts. This is disclosed by Franklin (see Franklin, Abstract). It would have been obvious for an artisan of ordinary skill in the art at the time of the invention to allow for the aforementionted feature to provide convenience to the user in making various transactions in different accounts. Thus such a modification would be an obvious expedient well within the ordinary skill of the art.

Re claim 12:

Pitroda discloses storing the plurality of accounts in an electronic wallet on a remote server (see Pitroda, col. 11, ll. 40+; and col. 14, ll. 40-65).

Re claim 13:

Pitroda discloses wherein the different types of accounts include two or more of debit card payment accounts, gift certificate payment accounts, rebate payment accounts, reward payment accounts, allowance payment accounts, and cash payment accounts (see Pitroda, col. 14, ll. 8-49).

Re claim 14:

Pitroda discloses wherein the allowing comprises allowing the user to transfer value from one of the plurality of accounts to another of the plurality of accounts while in the process of making an on-line purchase (see Pitroda, col. 14, ll. 8-49).

Re claim 15:

Pitroda discloses wherein the allowing further comprises allowing the user to transfer value from an account that is not accepted by a merchant at which the on-line purchase is being made to an account that is accepted by the merchant (see Pitroda, col. 14, ll. 8-49).

Re claim 16:

Pitroda discloses that one or more computer-readable memories containing a computer program that is executable by a processor

to perform the method recited in claim 11 (see Pitroda, Abstract; and col. 12, ll. 7+).

Re claim 17:

A system comprising:

a wallet server to store a plurality of payment accounts for a user; and

a user interface component, coupled to the wallet server, to display the plurality of payment accounts and to allow manipulation

of the payment accounts including transferring value from one payment account to another (see Pitroda, col. 10, ll. 9+).

Re claim 18:

Pitroda in view of Franklin discloses a system wherein the user interface component comprises a web page (see Franklin, col. 6,

ll. 12+).

Re claim 19:

Pitroda in view of Franklin discloses receiving a request from a user to make a purchase using a particular type of fund;

converting payment information corresponding to the particular fund to a credit card format; and communicating the

converted payment information to a merchant for the purchase (see Pitroda, col. 1, ll. 9-36).

Re claims 22 and 24:

Pitroda in view of Franklin discloses converting the payment information to the credit card format without the user's knowledge;

and communicating the converted payment information to the merchant without any indication of the conversion from the

particular type of fund (see Pitroda, col. 2, ll. 44+)

Re claim 23:

Pitroda in view of Franklin discloses that converting comprises converting the payment information to a Visa® credit card format

(see Pitroda, col. 11, ll. 39-58).

Re claim 25:

Pitroda in view of Franklin discloses that one or more computer-readable memories containing a computer program that is

executable by a processor to perform the method recited in claim 19 (see Pitroda, col. 12, ll. 7+).

Re claim 26:

Pitroda discloses maintaining a plurality of different types of payment accounts for a user; and allowing the user to transfer payment information stored in the payment accounts to merchants to make purchases (see Pitroda, col. 3, ll. 62 to col. 4, ll. 11).

Re claim 27:

Pitroda discloses wherein the types of payment accounts include one or more of debit cards, gift certificates, rebates, allowances, and cash (see Pitroda, col. 1, ll. 9-36).

Re claim 28:

Pitroda discloses that the maintaining comprises maintaining the plurality of different types of payment accounts at a remote server (see claim 1).

Re claim 33:

Pitroda discloses that one or more computer-readable memories containing a computer program that is executable by a processor to perform (see Pitroda, col. 12, ll. 7+).

3.   Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda as modified by Franklin et al as applied to claim 1, and in further in view of Christensen et al (US 5,710,886). The teachings of Pitroda as modified by Franklin et al have been discussed above.

Re claims 20 and 21:

Pitroda as modified by Franklin discloses various funds/ accounts, but fails to disclose that the particular type of fund comprises a gift certificate and/or rebate funds. This is disclosed by Christensen (see Christensen, Abstract). It would have been obvious for an artisan of ordinary skill at the time of the invention to employ the teachings of Christensen to the teachings of Pitroda as modified by Franklin because an artisan would have recognized that gift certificates and rebates are notoriously old and well known in the art to encourage card users to make additional purchases. Thus an artisan would have been motivated to use the gift

certificate fund and rebate fund as a purchase incentive to the cardholder, thus creating greater use of the card. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

Re claim 29:

Pitroda discloses allowing the user to transfer funds between different ones of the plurality of different types of payment accounts (see Pitroda, col. 14, ll. 39-49).

Re claim 30:

Pitroda discloses allowing additional funds to be added (deposited) to a payment account (see Pitroda, fig. 18 and 19, col. 14, ll. 39-49).

Re claim 31:

Pitroda discloses allowing additional funds to be added to the payment account comprises allowing additional funds to be added to the payment account by the user (see Pitroda, fig. 18 and 19, col. 14, ll. 39-49).

Re claim 32:

Pitroda discloses that the plurality of different types of payment accounts are maintained in an electronic wallet (UET) (see Pitroda, figs. 18 and 19, col. 14, ll. 32):

receiving a request from a merchant for information that is not included in the electronic obtaining the requested information from the user; returning the requested information to the merchant (see Pitroda, col. 13, ll. 39 to col. 14, ll. 32; and col. 15, ll. 40+).

wallet (see Pitroda, col. 13, ll. 39 to col. 14, ll. 32);

Re claim 34:

Pitroda as modified by Franklin fails to disclose maintaining a gift certificate account including payment information corresponding to the gift certificate account, presenting, to the user, the gift certificate account as a gift certificate and presenting, to a merchant, the gift certificate account as a credit card. This is disclosed by Christensen (see explanation for claims 20 and 21)

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel S. Felten whose telephone number is (703) 305-0724.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel S Felten
Examiner
Art Unit 3624

DSF
June 23, 2005

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